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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,729	12/05/2003	Franz Ehrenleitner	OST-031199	1721

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,729

Applicant(s)

EHRENLEITNER, FRANZ

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041015.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b). Also the word "stabalising" is not spelled properly. It should be spelled stabilizing. This is prevalent through out the application and should be corrected.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for locking the platform to the support carriage, does not reasonably provide enablement for how the platform is locked to the carriage. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to build the invention commensurate in scope with these claims. The specification does not teach any type of locking device, it only teaches that one is present. As the applicant has stated that the storage system and the hoist are well known the locking structure mounted thereon is also considered prior art in the rejection of claim 8 below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mammon et al. in view of Dane, Jr. Regarding claims 1 and 4 Hammon et al. US 4,761,112 teaches a manipulator comprising:

- a supporting carriage (3) movable along at least one supporting rail by means of a drive;

- a lift device (1) carried by said carriage;

- a lifting apparatus comprising at least two traction means for raising and lowering said lift device in a vertical direction;

- a stabilizing device comprising:

 - a carriage (7) movable by drive means along a guide rail such that it is vertically removed and parallel to said supporting rail;

 - a substantially rigid arm (6) pivotally connected to said carriage (7) and said lift means;

 - wherein said arm is lengthwise extendable;

 - a control device for moving said carriages and said lifting apparatus such that said lifting means is moved to a predetermined position. Hammon et al. does not teach the device being used in a storage facility. Dane, Jr. US 3,786,942 teaches a storage facility comprising:

 - a plurality of spaced apart storage locations;

 - at least one aisle way running along said storage locations;

a lifting device (70) movable in said aisle way to move objects into and out of said storage spaces;

a structure for holding said objects while they are moved;

a lift device for raising and lowering said structure;

said lift device having at least two traction devices for holding cable;

controls for moving said lift device to a preselected storage location. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Hammon et al. with storage spaces as taught by Dane, Jr. in order to allow the device to place an object in a space not easily accessible to an operator with precision.

Regarding claim 2 Hammon et al. also teach that the arm comprises two parallel bars.

Regarding claims 5 and 6 Hammon et al. teaches that the arm is pivotally connected to said lifting device via a swivel arm that can be locked on place relative to said arm. It would have been obvious to one of ordinary skill in the art, at the time of invention that a similar device could be provided on either end or both ends of the arm as the duplication of parts is within the grasp of one of ordinary skill in the art.

Regarding claim 7 Hammon et al. also teach that the arm (6) is telescopic and capable of being locked in a preselected length.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Hammon et al. The admitted prior art teaches a storage system comprising:

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a plurality of spaced apart storage locations;

at least one aisle way running along said storage locations;

a platform movable in said aisle way to move objects into and out of said storage spaces;

a locking means for holding said platform to a movable support carriage;

a lift device for raising and lowering said platform;

said lift device having at least two traction devices for holding cable;

controls for moving said lift device to a preselected storage location. The admitted prior art does not teach a stabilizing arm on the platform. Hammon et al. teaches a manipulator comprising:

a supporting carriage (3) movable along at least one supporting rail by means of a drive;

a lift device (1) carried by said carriage;

a lifting apparatus comprising at least two traction means for raising and lowering said lift device in a vertical direction;

a stabilizing device comprising:

a carriage (7) movable by drive means along a guide rail such that it is vertically removed and parallel to said supporting rail;

a substantially rigid arm (6) pivotally connected to said carriage (7) and said lift means;

wherein said arm is lengthwise extendable;

a control device for moving said carriages and said lifting apparatus such that said lifting means is moved to a predetermined position. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a stabilizing arm as taught by Hammon et al. in order to prevent a moment about the platform during movement of a device thereby allowing the device to operate in a more controlled manner.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammon et al. and Dane, Jr. as applied to claim 2 above, and further in view of Styles. Hammon et al. teaches the limitations of claim 2 as above they do not teach cross braces between the stabilization arms. Styles US 5,356,214 teaches a lift device with a plurality of parallel arms(38,42) that are connected by a plurality of cross braces. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Hammon et al. with cross members as taught by styles in order to help counter act moments about the stabilization arms thereby making the device more stable under unevenly loaded objects.

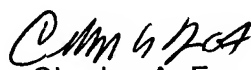
The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Porter 1930, Gresham 1968, Motoda et al. 1979 and Terpstra 2002.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3-27-06
Charles A. Fox
Examiner
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